GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prisoners - Grant of Special Remission to certain categories of Prisoners in three phases viz., 15th August, 2022 (75th Anniversary of Independence day), 26th January, 2023 (Republic Day) and 15th August, 2023 - Guidelines - Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.Ms. No.107

Dated: 22-07-2022.
Read the following:-

1. D.O.No.17013/37/2021-PR, Dated 21-04-2022 of the Hon'ble Home Minister and Cooperation Minister, Government of India, New Delhi received through D.O.No.17013/37/2021-PR, Dated 23-04-2022 of the Home Secretary, Government of India.
2. From the Director General of Prisons and CS, Andhra Pradesh, Mangalagiri Letter No. RC-2/67/2022, dated: 25-05-2022.

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ORDER:

The Government of India has decided to celebrate 'Azadi Ka Amrit Mahotsav' as a series of events to commemorate the 75th Anniversary of India's Independence. As a part of the celebrations, it is proposed to give special remission to certain categories of the prisoners and release them in three phases, **15th August, 2022** (75th Anniversary of Independence day), **26th January, 2023** (Republic Day) and **15th August, 2023** who have consistently maintained good conduct during their term in prisons.

2. The prisoners shall be considered for special remission and released in three phases. In Phase-I, the prisoners shall be released on 15th August, 2022, in Phase-II the prisoners shall be released on 26th January, 2023, and in Phase-III, the prisoners shall be released on 15th August, 2023. The **cut-off date** for consideration of the cases of eligible prisoners for **Phase-I** would be **14th August, 2022**, for **Phase-II – 25th January, 2023** and for **Phase-III - 14th August, 2023**.

3. The following categories of the prisoners, who have consistently maintained overall good conduct, especially those with no punishment during the convict period in the last three years, are eligible for special remission:

(i.) The Women convicts of 50 years of age and above, who have completed 50% of their total sentence period (without counting the period of general remission earned).

(ii.) The Transgender convicts of 50 years of age and above, who have completed 50% of their total sentence period (without counting the period of general remission earned).

(iii.) The Male convicts of 60 years of age and above, who have completed 50% of their total sentence period (without counting the period of general remission earned).

(iv.) Physically challenged/disabled convicts with 70% disability and more (duly certified by a Medical Board) who have completed 50% of their total sentence period (without counting the period of general remission earned).

(v.) Terminally ill convicts (duly certified by a Medical Board).

(vi.) The Convicted prisoners who have completed two-third (66%) of their total sentence period (without counting the period of general remission earned).

Contd..2,

(vii.) The Poor or indigent prisoners who have completed their sentence but are still in jail due to non-payment of fine imposed on them by waiving off the fine. (Note: The State Government shall satisfy itself about the legitimacy of the indigent and economic condition of such prisoners, by following appropriate measures/ procedures, to ensure that only legitimate persons get benefit of this relief).

(viii.) The Persons who committed an offence at a young age i.e., between 18-21 years and with no other criminal involvement/case against them, who have completed 50% of their sentence period (without counting the period of general remission earned).

4. The age of the convicts shall be determined according to matriculation certificate or birth certificate. In the absence of both, age given in judgment of the trial Court may be taken. The Superintendent of the Jail shall ensure the correctness of the age of convicts.

5. The Special Remission is **NOT** to be granted to the following categories of convicts:

i. The Persons convicted with death sentence or where death sentence has been commuted to life imprisonment or persons convicted for an offence for which punishment of death has been specified as one of the punishments.

ii. The Persons convicted with sentence of life imprisonment.

iii. Convicts involved in terrorist activities or persons convicted under Terrorist and Disruptive Activities (Prevention) Act, 1985 (TADA), The Prevention of Terrorism Act, 2002 (POTA), Unlawful Activities (Prevention) Act, 1967 (UAPA), The Explosive Substances Act, 1908, The National Security Act, 1982 (NSA), Official Secrets Act, 1923, Anti-Hijacking Act, 2016;

iv. The Prisoners convicted for Dowry Death;

v. The Prisoners convicted for counterfeiting currency notes (FICN) - cases under section 489 (A to E) of Indian Penal Code;

vi. The Prisoners convicted for the offence of Rape, human trafficking and the Protection of Children from Sexual Offences Act, 2012 (POCSO), Immoral Traffic (Prevention) Act, 1956;

vii. The Prisoners convicted under Prevention of Money Laundering Act, 2002, Foreign Exchange Management Act, 1999 (FEMA), Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015;

viii. The Prisoners convicted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS);

ix. The Prisoners convicted under the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities), Act, 2005;

x. Prisoners convicted under the Prevention of Corruption Act, 1988;

xi. The Prisoners convicted for offences against the State (Chapter-VI of IPC) and

Contd..3,

xii. The Prisoners convicted under any other law which the State Government consider appropriate to exclude.

6. A Committee with the following members, under the Chairmanship of the Principal Secretary to Government, Home Department is hereby constituted, to review the lists and recommend to Government for consideration of eligible cases for grant of special remission:

Sl. No.	Name of the Post and Address	Designation
1	2	3
1.	Principal Secretary to Government, Home (Paroles & HRC) Department, Government of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati.	Chairperson
2.	Secretary to Government, Legal Affairs, Law Department, Government of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati.	Member
3.	Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri.	Member Secretary

7. The Committee shall consider and scrutinize all cases keeping in view the prescribed conditions and make its recommendation to the Government as per timelines indicated. The Government will place the recommendation of the Committee before the Governor of the State, for consideration and approval in exercise of powers under Article 161 of the Constitution of India. Cases where approval of the Central Government is required as per law may be sent to the Ministry of Home Affairs. The foreign national convicts shall be released with the concurrence of the Ministry of External Affairs.

8. The Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri is requested to send the list of prison-wise eligible convicts as per the guidelines issued in the proforma annexed to this order in six sets.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services,
Andhra Pradesh, Mangalagiri. (w.e.)
The Secretary to Government, Legal Affairs, Law Department,
Andhra Pradesh, Velagapudi, Amaravathi.
Copy to:
The Director, Information & Public Relations, A.P., Vijayawada.
PS to Prl. Secretary to the Hon'ble Governor of Andhra Pradesh.
PS to Special Chief Secretary to Hon'ble CM.
OSD to Minister (Home)
PS to Chief Secretary to Government
PS to Prl. Secretary to Home Department
The Law (C) Department.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER

O/C

ANNEXURE

(Annexure to G.O.Ms.No.107, Home (Paroles & HRC) Department, Dated:22.07.2022

Sl. No.	CT No.,Name, and age of the convict	Residential address	Offence committed, Sentence, Case No. & Date, Sentencing Court	Sentence served as on _____ Actual Sentence		
				(YY)	(MM)	(DD)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT